

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

The title has been changed as requested in the Official Action (page 2). Paragraph 127 has been amended to correct the syntax.

Claims 1-27 are pending in this application. Claims 1, 5-7, 9, 11-13, 18, and 23-25 have been cancelled. Claims 2-4, 8, 10, 14, 15-17, 20, 22, 26, and 27 have been amended, and claims 28-45 have been added. Limitations of Claims 5-7 have been added to Claim 4 in order to distinguish from the applied prior art, for reasons to be discussed, *infra*. Similar or identical limitations have been added to independent Claims 2, 3, 17, and 27.

The claims as presented are directed to five different sets of claims. Independent Claim 4 and claims dependent thereon are drawn to an imaging apparatus in means-plus-function format. Independent Claim 2 parallels Claim 4 but is written in method format. Independent Claim 3 parallels Claim 4 but is written in the format of a computer readable memory including computer executable instructions, which when executed by a processor, cause the processor to perform an imaging process. Independent Claim 27 parallels Claim 4 but is written in apparatus (structure) format. In addition, independent Claim 17 parallels Claim 4 but additionally includes recitations regarding the prohibition means and the focusing means.

Claims 2 and 3 have additionally been amended to correct the claim objections listed in the Official Action (page 2).

Claim 3 has been amended to overcome the rejection of the claim under 35 U.S.C. § 101 as being non-statutory. Claims 16 and 26 have been amended to overcome their indefiniteness, as set forth in the Official Action (pages 3 and 4).

No new matter has been added.

Claims 1-8, 14-20, 26, and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hyodo. Claims 9 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyodo. Claims 10, 12, 22, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyodo in view of Kaite. Claim 11 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyodo in view of Kaite and Sacchi. Claims 13 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyodo in view of Kamon.

Independent Claim 4 as presently amended recites in part that range setting means set up the range of the first region in such a way that, if the position designation is received by the reception means, the range of the first region set up is smaller than that of a case that the position designation is not received. Similar or identical language is found in each of the other independent claims.

Hyodo is directed to an apparatus capable of correcting an insufficient quantity of light of a video signal with precision at the time of photographing with a flash (Para. 7). Operation unit 50 includes focus setting buttons as shown in Fig. 4 (Para. 45). Hyodo describes that the position of the main subject is assumed to be in the center of the screen, but notes that in photography, the subject may be in an off-center position (Para. 46). Fig. 4 shows the focus setting buttons (Para. 47). In Fig. 5, a focus area in the center of the screen is initially set. A focus position is changed from the center of the screen as shown at 62a, by pressing buttons 51R and 51D. The size of the focus area can be instructed or one of a plurality of predetermined focus areas by pressing the instruction button 51E. By operation, the size of the focus area can be changed according to the size of the main subject.

The Official Action relies upon paragraph 48 of Hyodo for this feature. However, review of paragraph 48 of Hyodo reveals that the focus position area can be changed in up/down/left/right directions by depressing instruction buttons 51U, 51D, 51L, and 51R.

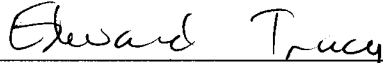
Hyodo further describes that the size of the focus area can be instructed or one of a plurality of focus area sizes can be selected by depressing the instruction button 51E. However, the Official Action does not point to any description, express or inherent in Hyodo of having a range setting means that both sets a larger setup of the range of the first region when no position designation is received, and sets up a smaller range of the first region when a position designation is received. Nor does Hyodo specifically state that the size of the focus area is made smaller. Accordingly, Applicant believes that the teachings of Hyodo fail to anticipate the independent claims as presently amended. The Examiner is pointed to the limitation of Claim 41 (which depends from Claim 2) and identical limitations in dependent Claims 42-45 which depend from the other independent claims. Claims 41-45 add that the range of the first region setup is always smaller when a position designation is received. The Official Action does not point to any description in Hyodo that the set up range of the first region is always smaller than the set up range of the first region if no position designation is received. In addition, Applicant does not find any evidence pointed to in the record that would established the obviousness of modifying Hyodo to make up for this deficiency in the Hyodo reference.

Turning to the rejection of Claims 9-13, and 21-25 under § 103(a), aside from the fact that Claims 9, 11-13, and 23-25 have been cancelled, the Official Action does not point to any teachings in the secondary references of Kaite, Sacchi, and Kamon that would teach or suggest that any of these references, considered as a whole along with Hyodo, would have made up for the deficiency of Hyodo, discussed, *supra*. Accordingly, Applicant requests that the rejection of independent Claims 2-4, 17, and 27 be withdrawn and these claims passed to issue, along with the claims dependent thereon.

From all of the above, allowance of the application is respectfully requested.

Respectfully submitted,

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